

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By **CHAIRMAN STANLEY (STAN) FISHER**, on January 10, 2003 at 8:15 A.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Stanley (Stan) Fisher, Chairman (R)  
Sen. Corey Stapleton, Vice Chairman (R)  
Sen. Keith Bales (R)  
Rep. Tim Callahan (D)  
Rep. Carol C. Juneau (D)  
Sen. Trudi Schmidt (D)

**Members Excused:** Rep. Dave Lewis (R)

**Members Absent:** None.

**Staff Present:** Marian Collins, Committee Secretary  
Brent Doig, OBPP  
Lorene Thorson, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes appears at the beginning of the content it refers to.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: None

Executive Action: Crime Control Division

#### **EXECUTIVE ACTION ON CRIME CONTROL DIVISION**

**Motion/Vote:** REP. CALLAHAN moved that DP 3, CRIMINAL JUSTICE ANALYST, FOR THE MONTANA BOARD OF CRIME CONTROL BE ADOPTED. Motion carried 7-0, by voice vote.

**EXHIBIT(jch05a01)**

**Ms. Thorson** presented the committee with base budget comparisons from 1998 through 2002.

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**EXHIBIT(jch05a02)**

**Discussion:**

**Ms. Thorson** said that the committee can take no action and the reductions of \$46,556 in fiscal 2004 and \$48,836 in fiscal 2005 will be unspecified. If the legislature wants to specify where the reduction will be taken, it can approve the allocation as recommended by the division in yesterday's presentation.

**Mr. Oppedahl, Executive Director, Montana Board of Crime Control,** suggested that the committee adopt the reductions presented on page 18 of Exhibit(2) which were presented to the committee on January 9, 2003. **CHAIRMAN FISHER** reminded the committee that they already adopted DP 3, and therefore suggested addressing the adjusted base that the department has agreed to, which is the \$46,556 and \$48,836.

**Motion/Vote:** **SEN. BALES** moved to **ACCEPT THE \$46,556 AND THE \$48,836 REDUCTIONS IN THE MANNER SET FORTH BY THE AGENCY.** Motion carried 7-0.

**Discussion:**

**CHAIRMAN FISHER** reminded the committee that DP 4 was withdrawn by MBCC during testimony on January 9, 2003.

**CHAIRMAN FISHER** asked whether there was discussion on DP 7001 which is a target reduction of \$220,294 in general fund money.

**SEN. BALES** asked if the \$220,294 would take the budget back to the Governor's budget. **Ms. Thorson** responded that it would take the committee back to the Governor's budget plus the additional \$46,556 and \$48,836 that was reduced, which is below the executive budget. If this committee adopts DP 7001 on top of the new base reduction, they have more than met the legislative target. For the biennium this committee would be about \$340,000 below this committee's target. **Ms. Thorson** also stated this committee still needs to adopt the 2002 base for the other funds.

**SEN. STAPLETON** asked whether the MBCC is one a few agencies which, by legislative action on Tuesday, January 7, 2003, fared better than the Governor's budget had allowed. **Ms. Thorson** responded that was correct. The new legislative budget is higher than the executive budget. **SEN. STAPLETON** asked whether this subcommittee should accept the committee's actions and increase their funding even over what Governor Martz has proposed. **CHAIRMAN FISHER** stated the committee can go with a lesser figure if that is the desire.

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**Motion/Vote:** **SEN. BALES** moved to **ADOPT THE FISCAL 2002 BASE FOR ALL FUNDING EXCEPT FOR GENERAL FUND AND STATEWIDE PRESENT LAW ADJUSTMENTS AS REQUESTED FOR ALL FUNDS.** Motion carried 7-1 with **SEN. STAPLETON** voting no.

**Discussion:**

**Mr. Oppedahl** commented on the impact of the Governor's reductions in the summer of 2002 and the August 2002 Special Session. Basically state agencies across the board were reduced about 4 1/2%. The MBCC took about 4 1/2-5% reduction in its operating budget and then the Governor reached into juvenile detention general fund pass-through money and took 16% of those funds. The Governor's reduction was 10% overall; twice what it was for normal state agencies and 3 times the level of reduction in juvenile detention.

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**Motion:** **SEN. STAPLETON** moved to **BRING THE NUMBERS TO THE EXECUTIVE'S BUDGET FOR THE MONTANA BOARD OF CRIME CONTROL BASED ON THE ACTIONS THIS COMMITTEE HAS ALREADY TAKEN.**

**Discussion:**

**REP. CALLAHAN** stated that reductions involve the juvenile detention money that goes to counties to help defray costs of holding kids in detention. Those monies will now be passed onto counties. This committee is shifting responsibility from the state level to the county level. One of the biggest areas of growth is juvenile justice. **REP. CALLAHAN** resisted this motion to cut the detention fund any further, and offered a substitute motion to the committee.

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**Motion/Vote:** REP. CALLAHAN moved to TABLE SEN. STAPLETON'S MOTION. Roll Call Vote on the question. Motion failed 3-4 with REPS. CALLAHAN, JUNEAU and SCHMIDT voting aye, on roll call vote.

**Discussion:**

CHAIRMAN FISHER asked for discussion regarding SEN. STAPLETON'S motion. A Roll Call Vote was requested. The question pertains to the adoption of the executive budget for the Crime Control Division.

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Ms. Thorson stated that what the committee will do with this motion is take the general fund to the amounts on page D-1. What isn't clear is where that reduction is going to be taken. It can be inserted as an unspecified reduction. The committee could adjust DP 7001 to meet that amount so it is in juvenile detention centers and personal services and operating expenses so we know where those reductions are going to be taken. That is the committee's decision. The LFD staff will make any adjustments on the decisions this committee made in order to get back to the executive budget.

SEN. SCHMIDT asked what impact the cuts would have on the program.

Mr. Oppedahl stated that the MBCC would take the general fund out of the operating budget and the balance would come out of juvenile detention grant funds. SEN. SCHMIDT asked how that would affect getting federal grants. Mr. Oppedahl stated that taking money out of the operating budget will affect the ability to match administrative costs for federal dollars. MBCC is being asked to match one of the new grants requiring an additional 25% match. The Victims of Crime Act is dropping its administrative portion. Juvenile detention monies that are taken out will not affect that portion of federal valuations.

*{Tape: 1; Side: B; Approx. Time Counter: 8.9 - 9.8}*

**Motion/Vote:** CHAIRMAN FISHER stated that the question had been called. The original motion was restated to ADOPT THE EXECUTIVE BUDGET FOR THE CRIME CONTROL BOARD OF \$1,645,059 GENERAL FUND FOR 2004 AND \$1,647,129 GENERAL FUND FOR 2005. Motion carried 4-3 with REP. CALLAHAN, REP. JUNEAU and SEN. SCHMIDT voting no, by roll call vote.

**Discussion:**

REP. CALLAHAN addressed the issue that the calculation of vacancy savings for the Crime Control Division was miscalculated. There is still over \$20,000 that should be reverted to their operating

budget. **Mr. Doig** stated that the vacancy savings issue has been corrected.

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Motion/Vote: REP. CALLAHAN moved to ACCEPT DP 5 AS PART OF THE EXECUTIVE BUDGET. Motion carried 7-0.

**ADJOURNMENT**

Adjournment: 9 A.M.

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REP. STANLEY (STAN) FISHER, Chairman

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MARIAN COLLINS, Secretary

SF/MC

**EXHIBIT** (jch05aad)